

## CIVIL DOCKET

## UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
<p>J. MURRY COLBURN, a/k/a MURRY COLBURN</p> <p>vs</p> <p>ROBERT D. STUBBS and GLENDA M. STUBBS, if living, and if dead, their heirs, executors, administrators, devisees, trustees, and assigns, immediate and remote</p> <p>Jackye Colburn and Internal Revenue Service <i>dec used</i></p> <p style="text-align: right;">Bill Hall (J. Colburn) Enterprise Bldg. Tulsa 74103</p> <p style="text-align: right;">Dan E. Turner (J. Colburn) 112 W. 6th St., Suite 400 Topeka, Kansas 66603</p>	<p>For plaintiff:</p> <p style="text-align: right;">918- 253-4215</p> <p>Dennis E. Beauchamp Jay, Oklahoma 74346 <i>Twine Ungerman</i></p> <p><del>James H. Griffin, Hawley Kerr</del> Ungerman, Grabel &amp; Ungerman 6th Floor, Wright Building Tulsa, Oklahoma 74103</p> <p><del>Nathan G. Graham</del></p> <p>For defendant:</p> <p>Joseph Best, Joe Sharp (Stubbs) Best, Sharp, Thomas &amp; Glass 200 Franklin Bldg., Tulsa, Ok. 74103 <i>582-8377</i></p> <p>Edwin P. Carpenter <i>913 234-8413</i> Turner, Chartered <i>Suite 202</i>, 400 Columbia Building (Stubbs) 112 West Sixth Topeka, Ks. 66603 (913-357-5126)</p> <p><del>Bill V. Wilkinson (Jackye Colburn)</del> <del>Chapel, Wilkinson, Riggs &amp; Abney</del> <del>1640 S. Boston</del> <del>Tulsa, OK 74119 (587-3161)</del></p>

  

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>1-1-74</i>	Clerk	12-31-73	Carpenter 15	00	
		1-3-74	C/D #25		15 00
J.S. 6 mailed <i>2-1-76</i>	Marshal				
Basis of Action: Quiet Title	Docket fee				
	Witness fees				
Action arose at:	Depositions				
Jay, Okla.					

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-31-73	Petition for removal from District Court of Delaware County, Okla., filed. g	
12-31-73	Bond on removal, filed. g	
12-31-73	Notice of removal, filed. g	
1-7-74	Answer and general denial, filed. g	
1-15-74	Ack. of the Clk. of Dist. Ct. of Delaware Cty., Okla. of receipt of copy of the Notice, Petition and Bond for Removal, filed. jj	
2-2-74	Case set for pre-trial hearing 2-8-74 at 11:00 a. m. (LB-J).s	
2-8-74	Pre-trial hearing held. Pltf. counsel not present; deft. counsel present. Pre-trial order waived. Pltf. to file brief within 20 days; deft. to answer 10 days thereafter. Case to be set for non-jury trial. (LB-J)hm	
2-20-74	Ltr. from LB to Joe Sharp granting parties ext. of time to prepare written statements & briefs; that case to be set again for pretrial after 4/1/74. (LB-J)rm	
2-27-74	Entry of appearance of Ungerman, Grabel & Ungerman as attys. for pltf., filed. hm	
3-18-74	Deposition of Robert D. Stubbs, for plaintiff, taken by Brenda M. Waters, CSR. Fee, \$73.80. ds	
3-18-74	Deposition of Glenda M. Stubbs, for plaintiff, taken by Brenda M. Waters, CSR. Fee, \$26.20 ds	
3-22-74	Case set for PT hearing 4-1-74 at 9:30 A.M. (LB-J)jj	
4-1-74	Case called for pre-trial hearing. Statements made. Pltf. to prepare pre-trial order. Jury request denied and case to be set for non-jury trial. (LB-J)hm	
4-18-74	Notice to Take Deposition, filed. e (of Edwin Carpenter to M. Colburn)	
4-18-74	Praecipe For Subpoena Duces Tecum, filed. Subpoena issued. e	
6-17-74	Notice to take deposition, filed. ds subpoena issued	
8-28-74	Deposition of John Murray Colburn on behalf of defts. taken before Jimmie J. Reed, CSR, on 7-2-74 in Tulsa, Okla., filed. lm (\$149.00)	
9-5-74	Defts' motion to amend answer and to join additional parties, filed. hm	
9-20-74	Hearing held on defts' motion to amend answer and to join additional parties. Parties represented. Over pltf's objection, Court sustains motion and deft. given 5 days to amend answer. (LB-J)hm	
9-20-74	Amended answer and third party complaint, filed. hm	
9-25-74	Reply of pltf. & ans. to amended ans. & 3rd pty complaint filed by Stubbs, filed. rm	
10-2-74	Summons issued to Additional Parties, Mrs. Jackye Colburn and IRS	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-1-74	Summons, returned & filed: Served on Dir. of Internal Revenue Service on 10-2-74; Atty. Gen. of U.S. Justice Dept. on 10-2-74; Jackye Colleen Colburn on 10-15-74(USM \$24.64) b	
10-22-74	Deft. Jackye Colleen Colburn's Reply & Ans. to Amended Ans. in the 3rd Party Compl. filed by Rbt. & Glenda Stubbs, filed. v	
11-22-74	Entry of Appearance of Bill V. Wilkinson on behalf of Jackye Coleen Colburn, third party deft., filed.k	
12-2-74	Motion of U.S. to Dismiss Counterclaim and 3rd-pty Complaint, filed. lm	
12-2-74	Memo. in Support of Motion of U.S. to Dismiss Counterclaim and 3rd pty. Complaint, filed. lm	
1-3-75	Order, filed and entered, that this action as to IRS and USA is hereby dismissed. (LB-J)hm (copies mailed)	
1-8-75	Order filed transferring case to Judge Cook. (LB-J) ds	
2-6-75	MO: Case set for pre-trial on 2-27-75 at 9:30 a.m. (HDC-J)hm	
2-18-75	Notice to take deposition of Jackye Colburn, filed. g	
2-27-75	Pre-trial hearing held. Statements made. Ed Carpenter admitted for purposes of this case only. Pltf. requests to amend reply; leave granted. Pltf. to prepare pre-trial order within 30 days and case to be set for non-jury trial, probably early part of April. (EST-2 days) (HDC-J)hm	
3-19-75	Applic. for an ext. of time to file pretrial order & complete discovery proceedings, filed. hm	
3-19-75	Order extending time within which to file PT order and complete discovery proceedings, granting parties until 4-28-75 to file PT order. (HDC-J)hm (copies mailed by pltf. counsel)	
5-9-75	Pretrial Order, filed. (HDC-J)g	
6-12-75	Deposition of Jacqueline Colleen Colburn on behalf of pltf., filed. (\$67.50)g	
7-22-75	Case set for N/J trial 9-16-75 at 10:00 a.m. (HDC-J)hm	
8-13-75	Letter of 8-8-75, Carpenter to Ungerman, with exhibits, filed. g	
8-19-75	Letter of 8-19-75, Hawley Kerr to Edwin Carpenter & Dan Turner, with tax receipt exhibits, filed. mm	
8-22-75	Defts. Notice to Take Deposition of various & sundry witnesses including Durward D. Dupre, filed. mm	
9-2-75	Pltf's TRIAL BRIEF, filed. lm	
9-10-75	Defendants' Trial Memorandum, filed. mm	
9-12-75	Deposition of <u>Durward D. Dupre</u> taken on behalf of the Defts. Robert D. & Glenda M. Stubbs in Topeka, Kansas on 8-27-75 before, Reta L. French, CSR, filed. mm	

DATE	PROCEEDINGS	Date Order or Judgment Note
9-16-75	MO: Ordered that this case is reset for non-jury trial for 10 a.m., Monday, 9/22/75.(HDC-J)rm-parties notified by phone & notices	
9-19-75	MO: Ordered by the Ct. that this case is reset for non-jury trial for Thurs., 11/6/75 at 9:30 a.m.; further that this case will be tried at that time and Ct. will not entertain any motions or requests for continuance.(HDC-J)rm-parties notified by phone and notices mailed.	
11-6	MO: Case tried to the Court. Parties announce ready. Bill Hall makes appearance for third-party deft. Jackye Colburn. Dan Turner admitted for purpose of this trial on motion of Irvine Ungerman. Opening statements waived. Pltf. presents case in chief w/test. of witnesses. Pltf's exhibits admitted. Pltf. rests. Deft. presents case in chief w/test. of witnesses and rests. Pltf. presents rebuttal evidence w/test. of witness and rests. Parties rest. Depositions of John Murry Colburn and Robert D. Stubbs offered and received into evidence. Deposition of Durward D. Dupre offered and admitted, subject to objections of Mr. Ungerman. Court to set case for final arguments at a later date. (HDC-J)hm	
11-6	Trial exhibits, filed. hm	
11-28	Order approving withdrawal, filed, approving withdrawal of Turner and Hensley, Chartered, as counsel for defts. & third party complainants, Stubbs & Stubbs. (HDC-J)hm (copies mailed)	
1976		
1-19	Memorandum opinion, filed and entered. (HDC-J)rm-copies mailed	
1-19	Judgment, filed and entered, that title to property in issue be quieted in pltf. and defs. are ordered to reconvey property to pltf. Defs. are granted lien on property for taxes they paid in amt. of \$1,014.80.(HDC-J)rm-copies mailed	
1-22	Mot. to w/draw as atty. of record for 3rd Party Deft. Jackye C. Colburn, fld. by Bill Wilkinson. v (o)	
1-23	Ordered that Mot. to withdraw as Atty of Record for Third Party Deft. Jackye Colleen Colburn by Bill V. Wilkinson is hereby granted. (HDC-J)t cps. mld.	
1-23	Bill of costs by pltf., filed. Costs hrg. set before Clerk for 2/3/76 at 9:30 a.m. rm	
1-28	Copy of letter dated this date from Judge Cook to Dan E. Turner, extending time of appeal 10 days. (HDC-J)hm	
1-30	Defts' response to pltf's bill of costs, filed. ph	
2-3	Brief in support of pltf. bill of costs, filed. rm	
2-3	Cost hrg. held before the Clerk. Costs taxed in amt. of \$967.73 in favor of pltf. and against defs. Robert D. & Glenda M. Stubbs. (JCS-Clk)rm	
2-9	Mot. to review Taxation of Costs, filed. t	
2-9	Memorandum in support of Motion, filed. t	
2-10	MO: It is ordered by the Ct. that Pltf. is granted 10 days from this date to respond to Defts', and Third Party Complainants' Mot. to review taxation of costs. t cps. mld.	
2-18	Notice of appeal by defs. Robt. & Glenda Stubbs from judg. of 1/19/76 & any adverse rulings re costs taxation, filed. rm (copy to USCA)	

PLAINTIFF		DEFENDANT	DOCKET NO. <u>73-C-415</u>
J. Murray Colburn		Robert D. & Glenda M. Stubbs et al	PAGE <u>5</u> OF <u>3</u> PAGES
DATE	NR.	PROCEEDINGS	
2-19-76		Pltf's. Response to Defts' Motion to Review Taxation of Costs and Supporting Memorandum, filed. t	
2-26		Cost bond on appeal (\$250 surety) of defs. Stubbs, filed. rm	
3-26		Stipulation of parties for order of dismissal of appeal, filed. rm	
3-26		Order, filed, dismissing appeal of defs., w/prej. costs assessed to the defs. (HDC-J)rm - copies to counsel and USCA	
4-5-		Order, filed that pltf be awarded the original desposition costs of Robert Stubbs, as well as the cost of the fees of the Clerk and the fees for publication. Other costs sought by pltf are hereby dis-allowed. (HDC-J)t cps. mld.	
10-29-76		Release and satisfaction of judgment, filed. Defts. Robert D. Stubbs & Glenda M. Stubbs ack. receipt of \$896.26 less costs assessed defts. of \$118.54 from Pltf. J. Murray Colburn and discharge Pltf. J. Murray Colburn of all liability to and demand of the defts. in respect to said cause and judgment, filed. s	
10-29-76		Release and satisfaction of judgment, filed. Pltf. J. Murray Colburn acknowledges receipt from defts. Robert D. Stubbs and Glenda M. Stubbs a quit claim deed dated 7-7-76 in accordance w/judgment rendered on 1-19-76 and costs assessed against the defts in the amt. of \$118.54 in full payment and satisfaction of judgment. s	

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
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## PROCEEDINGS